

DOCKET NO: 215511US2S PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TOSHIKUMI YAMAMOTO : EXAMINER: DANIEL, JR., W.
SERIAL NO: 09/926,434 :
FILED: NOVEMBER 1, 2001 : GROUP ART UNIT: 2617
FOR: MOBILE COMMUNICATION :
TERMINAL AND CAR MOUNTED :
ELECTRONIC DEVICE

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The following comments are made in response to the Examiner's Answer of January 24, 2008.

I. REPLY TO REJECTION UNDER 35 U.S.C. § 102

On pages 10 and 11 of the Examiner's Answer, the Examiner explains that in Larsson et al. the mobile communication terminal (e.g., a cell phone) disconnects the connection with the car mounted electronic device. However, noticeably absent from the Examiner's explanation or citations are any portions within Larsson et al. that recite or explain a disconnection by the mobile communication terminal.

A careful review of the various sections of Larsson et al. cited by the Examiner reveals that there is never a mention of a disconnection. As explained in the original Appeal

Brief, it is the car kit which disconnects the connection, not the mobile communication terminal.

The Examiner cites column 3, lines 41-43 which talks about the finishing of the communication, but there is no mention or explanation as to which device performs the disconnection.

Regarding column 7, lines 35-41, it is specifically stated in this section that it is the car kit (not the handset) that "determines that emulation has terminated." Thus, this portion of Larsson et al. cited by the Examiner's Answer supports the Applicant's position and not the Examiner's argument.

With respect to column 7, the ninth full paragraph (col. 7, lines 62-65), there is no mention as to which device is performing the disconnection.

Further, with respect to column 8, lines 9-11 and 18-20 cited by the Examiner's Answer, there is no mention or description of a disconnection of a connection, but a discussion of a hands-free mode.

As it is the car kit which disconnects the connection and not the mobile phone in Larsson et al., Larsson et al. cannot anticipate Claim 24 and accordingly, the rejection of Claim 24 and each of the claims depending therefrom under 35 U.S.C. § 102 is respectfully requested to be reversed.

II. REPLY TO REJECTION UNDER 35 U.S.C. § 103

In the Appeal Brief, the arguments presented by the Applicant against the rejection under 35 U.S.C. § 103 were quite concise and relate to the deficiencies of Chen. See the Appeal Brief at the bottom of p. 6 and the top of p. 7. It was argued that the receiving device in Chen does have two communication modes corresponding to a hands-free mode and an own mode. Moreover, the receiving device does not switch over to any communication mode

if the disconnection occurs during the communication. Further, it was argued that the disconnection disclosed by Chen appears to disconnect due to a degradation of transmission quality during voice communication between a mobile phone and the base station.

The Examiner's Answer never addresses the deficiencies of Chen but continues to rely on column 9, line 51 – column 10, line 25 of Chen without any explanation or analysis. If the Examiner truly had support for his position in Chen, he would provide a quotation or explanation of how column 9, line 51 – column 10, line 25 discloses the claimed feature of “disconnects the connection with the car mounted electronic device and sets the communication mode in its own mode if no packet, which is periodically output from the car mounted electronic device for acknowledgement of the connection, is received for a predetermined time period.” Because Chen does not disclose or suggest this claimed feature and the Examiner's Answer provides nothing more than a mere citation to col. 9, line 51 – col. 10, line 25 without an explanation, the rejection of the claims using Chen cannot stand.

III. CONCLUSION

Based on the above arguments, it is clear that the Examiner has not met his burden in the rejection of independent Claim 24 under 35 U.S.C. § 102 and 35 U.S.C. § 103. Accordingly, a reversal of the Examiner's rejections is respectfully traversed.

Respectfully submitted,

OBTON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)